

**ASSEMBLY BILL**

**No. 2126**

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**Introduced by Assembly Member Block**

February 23, 2012

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An act to amend Section 89030.1 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2126, as introduced, Block. California State University: regulations.

Existing law establishes the California State University under the administration of the Trustees of the California State University. Existing law, to be repealed as of January 1, 2013, sets forth a procedure for the adoption, amendment, or repeal of regulations by the trustees, and requires the trustees to follow that procedure rather than the procedure set forth in the Administrative Procedure Act.

This bill would delete that repeal date thereby extending the operation of these provisions indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 89030.1 of the Education Code is  
2     amended to read:  
3     89030.1. The trustees shall adopt, amend, or repeal regulations  
4     pursuant to this section instead of pursuant to Chapter 3.5  
5     (commencing with Section 11340) of Part 1 of Division 3 of Title  
6     2 of the Government Code. As used in this section, "regulation"

1 means every rule, regulation, order, or standard of general  
2 application or the amendment, supplement, or revision of any rule,  
3 regulation, order, or standard adopted by the university to  
4 implement, interpret, or make specific the law enforced or  
5 administered by it, or to govern its procedure, except one that  
6 relates only to the internal management of the university.  
7 “Regulation” does not mean or include any form prescribed by the  
8 university or any instructions relating to the use of the form, nor  
9 does it mean or include a building standard as defined in Section  
10 18909 of the Health and Safety Code.

11 (a) The trustees’ office of general counsel shall review the  
12 proposed regulations for matters such as necessity, authority,  
13 clarity, consistency, reference, and nonduplication, and recommend  
14 any proposed action to the trustees. For purposes of this section,  
15 “necessity,” “authority,” “clarity,” “consistency,” “reference,” and  
16 “nonduplication” shall have the same meaning as defined by  
17 Section 11349 of the Government Code.

18 (b) Notice of the proposed regulations shall be sent at least 45  
19 days ~~prior to~~ *before* the public hearing to those persons who have  
20 requested notices of the meetings of the trustees and shall be  
21 available to the public in electronic format. The notice shall include  
22 the right of the public to comment orally or in writing on the  
23 proposed action either ~~prior to~~ *before* or during the public hearing.

24 (c) At the hearing, the public shall be provided the opportunity  
25 to comment on the proposed action.

26 (d) The trustees shall maintain a rulemaking file containing the  
27 public notice, public comments, and minutes of the public hearing,  
28 including the action taken by the trustees.

29 (1) The rulemaking file shall contain a summary of each  
30 objection or recommendation made with an explanation of how  
31 the proposed action was changed to accommodate each objection  
32 or recommendation, or the reason or reasons for making no change.

33 (2) The proposed regulations shall be accompanied by an  
34 estimate, prepared in accordance with instructions adopted by the  
35 Department of Finance, of the effect of the proposed regulations  
36 with regard to the costs or savings to any state agency, the cost of  
37 any state-mandated local program as governed by Part 7  
38 (commencing with Section 17500) of Division 4 of Title 2 of the  
39 Government Code, any other costs or savings of local agencies,

1 and the costs or savings in federal funding provided to state  
2 agencies.

3 (e) The trustees shall transmit the regulations as finally adopted  
4 to the Secretary of State for filing. Each regulation shall be  
5 effective upon filing with the Secretary of State, and shall be  
6 published in the California Code of Regulations.

7 (f) On or before January 15 of each year, the trustees shall report  
8 to the Governor, the Senate Education Committee, and the  
9 Assembly Higher Education Committee as to all regulatory actions  
10 taken by the trustees during the previous calendar year. The report  
11 shall include the statement of reasons for each regulatory action  
12 taken, indicate whether any concerns were raised regarding the  
13 proposed action, and the steps taken by the trustees to alleviate  
14 those concerns.

15 ~~(g) This section shall remain in effect only until January 1, 2013,~~  
16 ~~and as of that date is repealed, unless a later enacted statute, that~~  
17 ~~is enacted before January 1, 2013, deletes or extends that date.~~